

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	)	Subchapter V
	)	
PHILADELPHIA ORTHODONTICS,	)	Jointly Administered at Bankruptcy No.
P.C. and JOSHUA DAVIS,	)	
	)	
<i>Debtors.</i>	)	
PHILADELPHIA ORTHODONTICS,	)	
P.C. and JOSHUA DAVIS,	)	Docket No.
	)	
<i>Movants,</i>	)	Hearing Date and Time: July 10, 2024 at
	)	9:30 a.m.
v.	)	
	)	Response Deadline: June 10, 2024
<u>NO RESPONDENT.</u>	)	

**MOTION OF THE DEBTORS FOR AN ORDER  
AUTHORIZING AND ESTABLISHING PROCEDURES FOR INTERIM  
COMPENSATION PURSUANT TO SECTION 331 OF THE BANKRUPTCY CODE**

AND NOW, come Philadelphia Orthodontics, P.C. and Joshua Davis (collectively, the “Debtors”) and file this *Motion for an Order Authorizing and Establishing Procedures for Interim Compensation Pursuant to Section 331 of the Bankruptcy Code* (this “Motion”) and avers as follows.

**BACKGROUND**

1. On the date hereof (the “Petition Date”), the Debtors separately filed voluntary petitions for relief under Subchapter V of Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). The Debtors intend to continue in the possession of their respective property and management of their business as debtors in possession as defined by Sections 1182 of Subchapter V of Chapter 11 of the Bankruptcy Code and pursuant to the rights and responsibilities of Subchapter V debtors, as set forth in Sections 1184 and 1187 of Subchapter V of Chapter 11 of the Bankruptcy Code.

2. Philadelphia Orthodontics commenced its case under Subchapter V of Chapter 11 of the Bankruptcy Code (the “Philadelphia Orthodontics Subchapter V Case”) to pursue a reorganization of its assets and liabilities, and in order to pay its obligations while preserving its business operations and jobs held by its employees.

3, Davis is the sole director, President, and shareholder of, and Doctor of Dental Medicine at, Philadelphia Orthodontics. He commenced his case under Subchapter V of Chapter 11 of the Bankruptcy Code (the “Davis Subchapter V Case” and collectively with the Philadelphia Orthodontics Subchapter V Case, these “Subchapter V Cases”) to pursue a reorganization of his assets and liabilities. The Debtors are co-obligors of a large majority of the debtors to be reorganized under these Subchapter V Cases.

4. The *Declaration of Joshua Davis, President of the Debtor (Philadelphia Orthodontics) in Support of the First Days Motions*, filed contemporaneously with this Motion, provides more specific information about Philadelphia Orthodontics’, corporate structure, financial condition, and reason for and objectives in filing the Philadelphia Orthodontics Subchapter V Case.

5. As of the filing of this Motion, no Subchapter V Trustee has been appointed in either Debtor’s Bankruptcy Case.

#### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b). Venue is appropriate in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicate for the relief requested herein are sections 105(a) and 331 of the Bankruptcy Code.

**RELIEF REQUESTED**

3. Section 331 of the Bankruptcy Court provides, in relevant part, as follows:

A trustee, an examiner, a debtor's attorney, or any professional person employed under section 327 ... of this title may apply to the court no more than once every 120 days after an order for relief in a case under this title, or more often if the court permits, for such compensation for services rendered before the date of such an application or reimbursement for expenses incurred before such date as is provided under section 330 of this title.

11 U.S.C. §331. See also 11 U.S.C. §1107. Moreover, section 105(a) of the Bankruptcy Code provides, in relevant part, that “[t]he court may issue an order, process or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. §105(a).

4. The Debtors request that this Court enter an Order authorizing professionals engaged in this case (including the Subchapter V Trustee) to apply for reimbursement of fees and expenses every thirty (30) days. Such an Order would enable the Court, the United States Trustee, Bank of America, and all other parties to effectively monitor the administrative expenses incurred in this case. Moreover, such procedures are necessary to avoid having professional fees accumulate during these Subchapter V Cases and will permit the Debtors to manage the administrative expenses of their professionals more easily.

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WHEREFORE, the Debtors respectfully request entry of an Order authorizing the professionals engaged in this case to apply for reimbursement of fees and expenses every thirty (30) days.

Respectfully submitted,

Dated: May 22, 2024

CAMPBELL & LEVINE, LLC

By: /s/ Paul J. Cordaro

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